

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

vs.

No. CIV 14-0405 JB/KBM
CR 13-3724 JB

ALBERTO PRIETO-MOLINA,

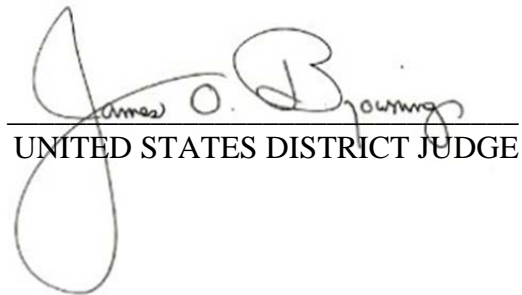
Defendant-Movant.

ORDER DENYING CERTIFICATE OF APPEALABILITY

Pursuant to rule 11(a) of the Rules Governing Section 2255 Cases in the United States District Courts, having entered final judgment adverse to Defendant-Movant Alberto Prieto-Molina and finding that further argument is not warranted, the Court denies a certificate of appealability. For the reasons stated in the Magistrate Judge's Proposed Findings and Recommended Disposition, filed December 03, 2014 (Doc. 14), and the Court's Memorandum Opinion and Order Adopting the Magistrate Judge's Proposed Findings and Recommended Disposition, filed December 31, 2014 (Doc. 16), Prieto-Molina has failed to make a substantial showing of a denial of a constitutional right. Therefore, the Court will deny a certificate of appealability.

The parties are hereby notified that, as rule 11(a) provides, they cannot appeal this decision and, instead, may seek a certificate of appealability from the United States Court of Appeals for the Tenth Circuit pursuant to rule 22 of the Federal Rules of Appellate Procedure. They are further notified that a motion to reconsider this denial does not extend the time to file a notice of appeal under rule 4(a) of the Federal Rules of Appellate Procedure.

IT IS ORDERED that a Certificate of Appealability is denied.



UNITED STATES DISTRICT JUDGE

Parties and counsel:

Damon P. Martinez
United States Attorney
Lynn Wei-Yu Wang
Assistant United States Attorney
United States Attorney's Office
Albuquerque, New Mexico

Attorneys for the Plaintiff-Respondent

Alberto Prieto-Molina
Torrance County Correctional Facility
Estancia, New Mexico

Defendant-Movant pro se